

**STATE OF MISSOURI
DIVISION OF PURCHASING AND MATERIALS MANAGEMENT
DEPARTMENT PROCUREMENT AUTHORITY DELEGATION AND PROCEDURES**

EFFECTIVE JULY 1, 2005

Amendment No. 1

Amendment Date: November 2, 2005

The Department Procurement Authority Delegation and Procedures effective July 1, 2005 are hereby amended as follows.

Effective immediately, Section II, H. Minority-Owned and Women-Owned Business Participation is replaced in its entirety by the revised Section II. H. Minority-Owned and Women-Owned Business Participation shown below.

H. Minority-Owned Business and Women-Owned Business Participation

The department must comply with all applicable laws, regulations, and executive orders affecting equal opportunity and nondiscrimination in the selection of contractors.

1. Affirmative action must be taken by the department to assure that minority-owned and women-owned businesses that are certified by the Office of Administration, Office of Supplier and Workforce Diversity (OSWD) are provided an equitable and fair opportunity to submit bids and proposals and to receive an award. Executive Order 05-30 states that all state agencies shall continue to make every feasible effort to target the percentage of goods and services procured from certified MBEs and WBEs to 10% and 5%, respectively. These efforts shall include participation in an Executive Branch Contract Compliance Council which shall, in cooperation with the OSWD, review procurement efforts to assist in meeting the requirements of this Executive Order.
2. A minority-owned business must be at least fifty-one percent (51%) owned and controlled by one or more persons who are United States citizens and members of one of the following racial minority groups: Black, American Indian, Hispanic, Asian American, or other similar racial minority group.
3. A women-owned business must be at least fifty-one percent (51%) owned and controlled by women who are United States citizens.
4. The department must utilize the Certified Minority Business Enterprise Directory and the Certified Women-Owned Business Enterprise Directory as a source for identification of potential bidders. The directories are available on the Internet at <http://www.oa.mo.gov/oeo/cp.html>.
5. Departments should document that bids were sent to or awarded to minority (MBE) and women-owned (WBE) businesses. This information may be requested by DPMM during a Quality Assurance Review of the department. Documenting the resources used to locate MBEs/WBEs and identifying those product/service areas where MBEs/WBEs are not available is beneficial for the OSWD. The department may utilize the services and assistance of the OSWD (573-751-8130) to further identify and qualify prospective minority and women-owned businesses.
6. The department must ensure proper dissemination of the requirements for minority and women vendor participation to all sub-department locations that exercise a procurement responsibility pursuant to this delegation of authority.

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Effective immediately, Section II. S. Single Feasible Source Procurement is replaced in its entirety by the revised Section II. S. Single Feasible Source Procurement shown below.

S. Single Feasible Source Procurement

1. As defined in 34.044, a single feasible source procurement exists when:
 - a. Supplies are proprietary and only available from the manufacturer or a single distributor; or
 - b. Based on past procurement experience, it is determined that only one distributor services the region in which the supplies are needed; or
 - c. Supplies are available at a discount from a single distributor for a limited period of time.
2. For all single feasible source procurements **exceeding \$3,000 for supplies available at a discount for a limited period of time**, the department must request a specific procurement delegation from the DPMM Assistant Director at 573-751-3273 in lieu of submitting a requisition. If the single feasible source procurement for supplies available at a discount for a limited period of time is valued at \$5,000 or more, the DPMM, not the department, will be responsible for posting the single feasible source procurement.
3. Single feasible source procurements with a **value not exceeding \$5,000** within the same fiscal year or a period not to exceed twelve months, may be processed by the department in accordance with the following:
 - a. All single feasible source procurements **valued at \$5,000** must be posted in the public access area that other local procurement notices are posted. The posting should include: title, description, contract/price agreement period, renewal options, supplier, buyer, phone number, and posting date.
 - b. A single feasible source procurement contract/price agreement may be established for an initial contract/price agreement period not-to-exceed 12 months. The department may include renewal options not to exceed 12 months per option in the contract/price agreement. For single feasible source procurements valued at \$5,000, the renewal option(s) must be included in the posting of the single feasible source procurement. Prior to exercising a renewal option, the department must determine if the procurement still meets the definition of a single feasible source procurement. If circumstances have changed and the procurement can no longer be defined as a single feasible source procurement, the department must competitively bid the procurement and not exercise the renewal option.

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- c. The file must be documented to explain how the procurement meets the legal definition of a single feasible source, the functionality of the supply that makes it a single feasible source and why the functionality is the only one that will meet the needs of the department, and documentation from the vendor. For single feasible source procurement contracts/price agreements that include renewal options, documentation must be included in the file for each renewal option exercised.
 - d. The letter "O" must be entered in the SAM II purchase order's Order Type field to designate the procurement as a single feasible source.
 - 4. For single feasible source procurements **exceeding \$5,000 and up to \$24,999.99** within the same fiscal year or a period not to exceed twelve months, the department must request a specific procurement delegation from the DPMM using the Single Feasible Source (SFS) Approval Request Worksheet (MO 300-1872 - available on the Agency Information page on DPMM's website) or similar document containing the same information. The request must include an explanation as to how the procurement meets the legal definition of a single feasible source and justification for the single feasible source. If necessary, documentation from the vendor noting the single feasible source nature of the specific supplies should also be included. The request must be submitted to the DPMM Section Manager (Commodities, IT, or Services) for the type of supply the department wishes to procure. The request may be faxed, e-mailed, or mailed to the DPMM Section Manager as indicated on the Single Feasible Source (SFS) Approval Request Worksheet. If the request is approved, the Section Manager will provide the department an approval number. Upon receiving the approval number, the department may process the SFS procurement in accordance with the following:
 - a. The SFS procurement must be posted in the public access area that other local procurement notices are posted. The posting should include: title, description, contract/price agreement period, renewal options, supplier, buyer, phone number, and posting date.
 - b. A single feasible source procurement contract/price agreement may be established for an initial contract/price agreement period not-to-exceed 12 months. If the DPMM Section Manager's approval covered renewal options, the department may include renewal options not to exceed 12 months per option in the contract/price agreement. The renewal option(s) must be included in the posting of the single feasible source procurement. Prior to exercising a renewal option, the department must determine if the procurement still meets the definition of a single feasible source procurement. If circumstances have changed and the procurement can no longer be defined as a single feasible source procurement, the department must competitively bid the procurement and not exercise the renewal option.
 - c. The file must be documented to explain how the procurement meets the legal definition of a single feasible source, the functionality of the supply that makes it a single feasible source and why the functionality is the only

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one that will meet the needs of the department, and documentation from the vendor. The documentation must also include the Approval Number provided by the DPMM Section Manager. For single feasible source procurement contracts/price agreements that include renewal options, documentation must be included in the file for each renewal option exercised.

- d. The letter "O" must be entered in the SAM II purchase order's Order Type field to designate the procurement as a single feasible source.
5. For all single feasible sources **valued at \$25,000 or more**, the department must submit a requisition (SAM II Non Pre-Encumbering Requisition [NR] document or Quick Requisition [RXQ] document) to DPMM for all single feasible source procurements. The requisition must include an explanation as to how the procurement meets the legal definition of a single feasible source and justification for the single feasible source. If necessary, documentation from the vendor noting the single feasible source nature of the specific supplies should also be included. The letter "O" may be entered in the SAM II requisition's Requisition Type field to designate the procurement as a single feasible source.

RECOMMENDED BY:


James Miluski, Director
Division of Purchasing and
Materials Management

APPROVED BY:


Michael N. Keathley, Commissioner
Office of Administration

I hereby accept this amendment to the delegation of authority on behalf of the department and acknowledge the department's ability and agreement to abide by the requirements herein.

SIGNATURE _____
NAME _____
TITLE _____
DEPARTMENT _____
DATE _____